

OPINION
55-30

September 27, 1955 (OPINION)

CORONERS

RE: Coroner's Jury

This is in reply to your letter of September 24, 1955, in which you refer to an opinion issued by this office May 11, 1955, wherein chapter 115 of the Session Laws of 1955 was interpreted to authorize a county coroner elected in counties with eight thousand or more population to continue in office until his term expires or until the office becomes vacant by death, resignation or otherwise. In this opinion no mention was made as to whether or not the continuing coroner would have the power to appoint a coroner's jury in accordance with the old law until such coroner's term expired.

You now have requested an opinion as to whether or not the continuing coroner has the power to appoint a coroner's jury, and whether or not such a coroner's jury may so act as long as said continuing coroner is serving the balance of his unexpired term.

Section 9 of chapter 115 makes provision for the state's attorney to subpoena witnesses and to inquire into the facts causing a death. The testimony of every witness shall be reduced to writing, and shall become a part of the coroner's files in such case.

Section 13 of chapter 115 provides as follows:

"The cause of death, the manner of mode in which the death occurred, as delivered by the coroner and incorporated in the coroner's verdict shall be incorporated in the death certificate filed with the registrar of vital statistics of this state."

Chapter 115 of the Session Laws of 1955 became effective July 1, 1955. We believe that the procedure specified in said chapter 115 can be carried out by a county coroner who is serving out the term for which he was elected prior to the enactment and effective date of chapter 115. It is, therefore, the opinion of this office that the continuing coroner must proceed in accordance with the law in effect at the present time which is chapter 115.

LESLIE R. BURGUM

Attorney General